

Message Text

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DRAFTED BY EB/CBA/BP:HJWINTER:JB

APPROVED BY EB/CBA/BP - MR. WINTER

EA/J - MR. PIEZ

L/EB - MR. SPIEGEL

JUSTUCE - MR. ROSENTHAL

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

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E.O. 11652: N/A

SUBJECT: ANTITRUST - TOYOTA

REF: STATE'S 123303

1. JUSTICE HAS ADVISED DEPARTMENT ABOUT FOLLOWING DEVELOPMENTS REGARDING PROPOSED CIVIL ANTITRUST COMPLAINT INVOLVING TOYOTA.

2. DEFENDANTS TO BE NAMED WILL BE (A) TOYOTA MOTOR SALES, U.S.A. INC. AND (B) TOYOTA MOTOR DISTRIBUTORS, INC.

3. COCONSPIRATORS WILL INCLUDE FIVE REGIONAL DISTRIBUTORS WHO WERE PREVIOUSLY REGARDED AS POTENTIAL DEFENDANTS: (A) AMCO INDUSTRIES, INC. (B) MID-ATLANTIC TOYOTA DISTRIBUTORS, INC., (C) NEW ENGLAND TOYOTA DISTRIBUTORS, INC., (D) SERVCO-PACIFIC, INC., AND (E) SOUTHEAST TOYOTA DISTRIBUTORS, INC.

4. TOYOTA MOTOR SALES COMPANY, LTD. OF JAPAN WILL BE NAMED A CO-CONSPIRATOR, AS PREVIOUSLY INDICATED IN REFTTEL.

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5. DECISION WAS RECENTLY MADE IN JUSTICE TO ENTER INTO
DISCUSSIONS WITH US COUNSEL FOR BOTH DEFENDANTS

(HARRY W. CLADOUHAS) TO ATTEMPT TO AGREE ON THE WORDING OF
A CONSENT DECREE TO BE FILED SIMULTANEOUSLY WITH THE
CIVIL COMPLAINT. JUSTICE INTENDS TO COMMENCE SUCH
DISCUSSIONS SHORTLY. IT IS LIKELY THAT A COMPLAINT WILL
NOT BE FILED FOR SEVERAL WEEKS.

6. ACTION REQUESTED: THE EMBASSY IS REQUESTED TO NOTIFY
THE SECOND INTERNATIONAL ORGANIZATION SECTION, MFA, AND THE
JAPANESE FAIR TRADE COMMISSION ABOUT THESE DEVELOPMENTS
UNDER THE 1967 OECD NOTIFICATION PROCEDURE.

7. DEPARTMENT WILL ALSO NOTIFY COMMERCIAL COUNSELOR AT
JAPANESE EMBASSY ABOUT THESE DEVELOPMENTS. KISSINGER

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